



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on **January 29, 2004**

**NOTICE OF ACTION TAKEN -- DOCKET OST-1997-2128, OST-2000-7338, and
DOCKET OST-2002-13855**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **US AIRWAYS, INC.,** filed **11/25/03** for:

XX Renewal of exemption under 49 U.S.C. §40109 to provide the following service:

DOCKET OST-1997-2128:

Scheduled foreign air transportation of persons, property, and mail between (1) the terminal point Charlotte, North Carolina, and the terminal point Cancun, Mexico; and (2) the terminal point Philadelphia, Pennsylvania, and the terminal point Cancun, Mexico.

DOCKET OST-2000-7338:

Scheduled foreign air transportation of persons, property, and mail between the terminal point Pittsburgh, Pennsylvania, and the terminal point Cancun, Mexico.

US Airways requests that the two exemption authorities described above be renewed with a common expiration date to run concurrently with its other Cancun exemption authority in Docket OST-2002-13855, set to expire on December 4, 2004. US Airways also requests that its Cancun exemption authorities be consolidated into one of the referenced dockets.

Applicant rep: **Howard Kass (703) 872-5230** DOT Analyst: **Linda L. Lundell (202) 366-2336**

DISPOSITION

XX Granted, subject to conditions (See below).

The action above was effective when taken: **January 29, 2004**, through **December 4, 2004**.

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

XX Authority granted is consistent with the aviation agreement between the United States and the Mexico.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificates of public convenience and necessity

XX Standard Exemption Conditions (attached)

Special Conditions: The U.S.-Mexico exemption authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2.

Remarks: We have granted the carrier's request to consolidate the exemption authority granted here into Docket OST-2002-13855. Thus, the carrier may henceforth file in Docket OST-2002-13855 at such time as it seeks to make requests concerning its exemption authority to serve the Charlotte/Philadelphia/Pittsburgh-Cancun markets.

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the application was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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http://dms.dot.gov/reports_aviation.asp

APPENDIX

U.S. Carrier Standard Exemption Conditions

In the conduct of the operations authorized, the U.S. carrier applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with all applicable requirements of the Federal Aviation Administration and with all applicable U.S. Government requirements concerning security. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its Principal Security Inspector (PSI) to advise the PSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.

8/2003